

Roland B. Durocher
HARTELIUS, DUROCHER & WINTER, P.C.
118 6th St. South
P.O. Box 1629
Great Falls, MT 59403-1629
(406) 727-4020
rdurocher@mtlawyers.net
Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION

ELLEN HALL,)	
as Personal Representative of the Estate of)	Cause No.
Lucille A. Hall,)	
)	COMPLAINT
Plaintiff,)	
)	
-vs-)	
)	
UNITED STATES OF AMERICA,)	
)	
Defendant.)	

Plaintiff, through her attorneys, alleges:

1. Ellen Hall is a citizen and resident of Browning, Montana. She is the personal representative of the Estate of Lucille A. Hall, filed in the Blackfeet Tribal Court, Montana, Cause number 2017 P09. She is the daughter of Lucille Hall, who

died on January 30, 2017. Lucille was survived by her daughter, Ellen, and a son, Virgil Hall.

2. This Court has jurisdiction over this case pursuant to the Federal Tort Claims Act, 28 U.S.C. 2671, et seq., in that the claim arises from the Government's conduct in providing health care services at Blackfeet Community Hospital (BCH) in Browning, Montana. BCH is an Indian Health Services (IHS)-funded facility operated by the United States. The negligent acts and omissions that are the subject of this action were committed by the Government's agents and employees while acting within the course and scope of their employment. This Court has exclusive jurisdiction over tort claims brought against the United States pursuant to 28 U.S.C. § 1346(b).

3. This survival and wrongful death action is by Plaintiff in her representative capacity, on behalf of the estate and the heirs and successors in interest of the decedent.

The Plaintiff's claim was filed in writing with the United States on April 26, 2017, with additional supporting documentation to complete the claim being submitted October 24, 2017. The United States has not responded, and more than six (6) months has elapsed. Accordingly, Plaintiff has appropriately exhausted her administrative remedies.

4. The acts and omissions giving rise to this claim occurred in Glacier County, Montana, which is within the Great Falls Division. Venue is proper in the Great Falls Division pursuant to Local Rule 3.2(b).

4. On January, 2017, Lucille Hall was a patient at the BCH.

5. While in the care of the BCH, Lucille was allowed to fall, and suffered serious injuries, including a fractured right hip. Due to her injuries, Lucille Hall incurred general and special damages. She died less than a week later. Upon information and belief, Plaintiff alleges that the injuries suffered in the fall at BCH were a cause of death, and/or a substantial factor in the death, of Lucille Hall.

6. Lucille Hall's fall and subsequent death (insofar as it was caused by injuries sustained in the fall) were preventable.

7. The care of Lucille Hall was negligent, and below the standard of care, including, but not limited to, failing to recognize and/or address fall risks, and failing to take sufficient precautions to avoid the fall.

8. The negligence of the Defendant's agents or employees (the medical providers and staff at the Browning IHS), was the cause of Lucille Hall's fall, injuries, and damages, as well as her death, or a substantial factor in causing her death, and the damages that resulted from her death.

9. As a result of her injuries and death, Lucille Hall suffered damages,

including, but not limited to, physical pain and suffering, mental and emotional pain and suffering and distress, loss of enjoyment of life, lost earnings, lost earning capacity, and funeral expenses.

10. As a result of Lucille Hall's injuries and death, her heirs have suffered damages, including, but not limited to, loss of familial consortium, companionship, society, services, care, comfort and advice, grief, sorrow and mental anguish.

11. Plaintiff claims all special and general damages allowable for wrongful death and survivorship for the estate and the heirs.

WHEREFORE, PLAINTIFF PRAYS:

1. For an award of special and general damages for all claims of the estate and heirs, including wrongful death and survivorship;
2. For costs; and,
3. For all other relief the Court deems appropriate.

Dated this 7th day of March, 2018.

/s/ Roland B. Durocher
HARTELIUS, DUROCHER & WINTER, P.C.